

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

UNITED STATES DISTRICT COURT

for the

Middle District of PACivil DivisionChristian Smith

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Stanley Stanis
Vincent Mooney
John Wetzel
Donald J. O'Brien

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.

1:18-CV-1554
 (to be filled in by the Clerk's Office)

Jury Trial: (check one)



Yes



No

FILED
SCRANTON

AUG 06 2018

PER

DEPUTY CLERK

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

CHRISTIAN SMITH

Street Address

660 STATE ROUTE 11

City and County

HUNLOCK CREEK

State and Zip Code

PENNSYLVANIA 18621

Telephone Number

N/A

E-mail Address

N/A

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name Stanley Stanish
 Job or Title (if known) Doctor
 Street Address 660 State Route 11
 City and County HUNLOCK CREEK
 State and Zip Code PENNSYLVANIA 18621
 Telephone Number N/A
 E-mail Address (if known) N/A

Defendant No. 2

Name VINCENT MOONEY
 Job or Title (if known) SUPERINTENDANT / WARDEN
 Street Address 660 State Route 11
 City and County HUNLOCK CREEK
 State and Zip Code PENNSYLVANIA 18621
 Telephone Number N/A
 E-mail Address (if known) N/A

Defendant No. 3

Name John Wetzel
 Job or Title (if known) Secretary / Commissioner for D.O.C.
 Street Address 1920 Technology Parkway
 City and County MECHANICSBURG
 State and Zip Code PENNSYLVANIA 18621
 Telephone Number N/A
 E-mail Address (if known) N/A

Defendant No. 4

Name Donna J. O'Brien
 Job or Title (if known) Nurse
 Street Address 660 State Route 11
 City and County HUNLOCK CREEK
 State and Zip Code PENNSYLVANIA 18621
 Telephone Number N/A
 E-mail Address (if known) N/A

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

1st; 4th; 6th; 8th; and 14th Amendments

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, (name) n/a, is a citizen of the State of (name) _____.

b. If the plaintiff is a corporation

The plaintiff, (name) n/a, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, (name) n/a, is a citizen of the State of (name) _____. Or is a citizen of (foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) n/a, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

n/a

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

1. ON 10/6/17 at approximately 2:25pm the plaintiff Smith was working out in the recreational yard. As Smith started to use a stepping bench, the stepping bench collapsed, sending Smith off balance and falling backwards to the ground. The plaintiff's left leg got caught underneath the metal bench and shredded his skin causing a 10 centimeter laceration to the bone right under. cont

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Plaintiff Smith uses this court for relief to be treated properly for his nerve damage. It is getting much worse as time goes on due to all the delays from the defendants who are negligent for not treating him properly. Smith seeks \$5,000,000.00 dollars in damages due to him having nerve damage at the age of 19 years old. This permanent injury needs to be tended to at this present time. Plaintiff also seeks punitive damages in excess of \$5,000.00 dollars. Smith is receiving no medical care at this time.

Statement of Claim

III Continued:

His Left Knee. The plaintiff Smith also noticed and remembers that while he fell backwards, he seen that there was two bolts missing from the right side of the stepping bench.

When Smith seen doctor Stanish, defendant, doctor Stanish stated that, "Smith has severe nerve damage in his left leg, due to Smith's accident from and on the department of corrections property. The medical department at SCI - Retreat was not equipped to handle Smith's situation. Smith received 22 stitches as a result of the accident along with Smith's nerve damage.

After Smith's return from an outside hospital, Wilkes Barre General hospital, Smith several days later went down on a sick call. Doctor Stanish told Smith that the stitches were not ready to come out. After several attempts to get his stitches out, Smith took half of them out himself. On the next visit to the medical department, Doctor Stanish removed the last of Smith's stitches. It was brought to Smith's attention that since he has prominent nerve damage doctor Stanish told Smith that in January sometime Smith would start physical therapy. January came and went and still Smith received no physical therapy for his injury. Now going forward to May 18, 2018 Smith went on another sick call. Doctor Stanish knew he never scheduled Smith for physical therapy, so doctor Stanish issued Smith a cane to walk with.

Cont. next page

2.

2. Smith used this cane to help himself walk. On June 3, 2018 Smith returned the cane to nurse Obrien. Smith explained to nurse Obrien that the cane was interfering with his ability to do physical therapy on his own because doctors Stanish still never placed Smith on physical therapy. Smith still has a lot of pain and tries to rehabilitate himself when he goes out to recreational yard at the prison.

3. Now on Smith's last visit to the medical department nurse Obrien got extremely belligerent with Smith because Smith would not sign a \$5.00 pay slip for a visit at medical because Smith has & was receiving chronic care. Nurse Obrien threw Smith out of his office. To date Smith is in extreme pain and suffering due to his nerve damage.

4. Smith contacted Vincent Mooney defendant on 1/26/18 stating that he Smith was not receiving proper medical care. Smith used the Grievance system properly but even if defendant Mooney's answer was that Smith's situation was frivolous.

5. On 5/18/18 Smith's last attempt through the proper Grievance system went to Mechanicsburg, PA to John Wetz Defendant. Keri Moore the Grievance co-ordinator for the department of corrections answered Smith's last grievance and denied Smith's grievance by stating she needs the original documents from Smith by stating she can't access all the Grievances but she/Keri Moore can not print them out. This is not plaintiff Smith's problem because the Department of corrections should have proper computers and printers to allow staff to do their jobs. John Wetz never even got back to Smith with his own answer and is limited.

3.

6. Plaintiff is entitled to money damages and Smith is looking for relief to have proper medical care and relief of damages incurred for pain and suffering through and for the neglect and hostility shown to the Plaintiff for just needing to rehabilitate through physical therapy. If Smith does not receive relief for his physical injury, he will not be able to walk properly without pain for the rest of his life. Smith pain is getting worse. Smith is also asking for relief from a medical expert to verify medical evidence. Smith is in need of serious medical attention due to the long delays in treatment aggravated his condition.

7. John Wetzel never replies to Grievances and is always in default. plus John Wetzel never answered letters sent requesting answers.

8. Vincent Mouney never answers Grievances or appeals he has his secretary answer for him. Mouney is not even approachable when seen on the compound.

9. Smith is looking for \$5,000.00 in punitive and for pain and suffering for the rest of his life living with severe nerve damage to a total of \$5,000,000.00

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 7/31/18Signature of Plaintiff *Christina Smith*Printed Name of Plaintiff Christina Smith**B. For Attorneys**

Date of signing: _____

Signature of Attorney *n/a prose*

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Street Address _____

State and Zip Code _____

Telephone Number _____

E-mail Address _____

CERTIFICATION

I hereby certify that the petitioner herein has the sum of \$.53 on account to his credit at the SCI-Retreat Institution where he is confined. I further certify that petitioner likewise has the following securities to his credit according to the records of said SCI-Retreat Institution: NONE

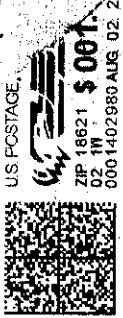


Tanya Harry – Accounting Assistant
AUTHORIZED PRISON OFFICIAL

4/3/18

IN degeny
papers

7/31/18



Christian R. Smith
Inmate No. NY0617
660 State Route 11
Huron Creek PA 18621
SC - Retreat.

RECEIVED
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AUG 08 2018

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INMATE MAIL-PA
DEPT. OF CORRECTIONS

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U.S. District Court of PA
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U.S. Court House
235 North Washington Ave
P.O. Box 1148
Scranton, PA. 18501-1148